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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE MARILYN L. HUFF)

10 UNITED STATES OF AMERICA,) CASE NO. 08cr803-H
11)
12 Plaintiff,) DATE: September 2, 2008
13) TIME: 2:00 p.m.
14 v.) DEFENDANT'S NOTICE OF UNOPPOSED
15 RAUL GUTIERREZ,) MOTION AND MOTION TO CONTINUE TRIAL
16) DATE
17 Defendant.)
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17 TO: KAREN P. HEWITT, UNITED STATES ATTORNEY;
18 ALESSANDRA SERRANO, ASSISTANT UNITED STATES ATTORNEY:

19 Raul Gutierrez, by and through his counsel, Antonio F. Yoon, brings this motion to:

20 1. Continue the trial date.

21 Mr. Gutierrez brings this motion pursuant to the Sixth Amendment to the United States Constitution,
22 and all other applicable statutes, case law and local rules. This motion is based on the attached statement of
23 facts and memorandum of points and authorities.

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25 Respectfully submitted,
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Dated: August 17, 2008 /s/ Antonio Yoon

ANTONIO F. YOON
Attorney for Mr. Gutierrez

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE MARILYN L. HUFF)

UNITED STATES OF AMERICA,) CASE NO. 08cr803-H
Plaintiff,)
v.) MEMORANDUM OF POINTS AND
RAUL GUTIERREZ,) AUTHORITIES IN SUPPORT OF
Defendant.) DEFENDANT'S MOTIONS IN LIMINE

I.

STATEMENT OF FACTS

Mr. Gutierrez is charged with possession of marijuana with intent to distribute. He was the driver of a truck and tractor trailer when he was detained and arrested at the checkpoint on Highway 86. The trailer contained approximately 1,800 pounds of marijuana.

II.

**THE DEFENDANT REQUESTS THE COURT GRANT HIS UNOPPOSED MOTION TO
CONTINUE THE TRIAL DATE SO HE CAN ADEQUATELY INVESTIGATE AND PREPARE
FOR TRIAL**

Mr. Gutierrez's trial date is scheduled for September 3, 2008. On August 15, 2008 counsel for Mr. Gutierrez received supplemental discovery from the government. This discovery involves, among other things, the vehicle history for the tractor trailer and the history of the Customs seal that was on trailer at the time of the arrest. Given the nature of the discovery counsel needs to do two things: first, to tour the Calexico

1 commercial Port of Entry and second, to locate and interview three witnesses that will effectively assist him
2 in preparing for his defense at trial.

3 Defense counsel has been able to recently locate one of the witnesses but has not interviewed the
4 witness. He is currently trying to schedule an interview date that will work for the witness who is in Calexico.
5 The other two witnesses have not been located yet but counsel is actively investigating their whereabouts.

6 Because all this investigation will take at least thirty days to prepare Mr. Gutierrez respectfully
7 requests that the court grant a continuance of the trial date. The government has no opposition to this request.

8

9 **III.**

10 **CONCLUSION**

11 For the foregoing reasons, Mr. Gutierrez respectfully requests that this Court grant this motion.

12 Respectfully submitted,

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14 DATED: August 17, 2008

15 /s/ Antonio Yoon
ANTONIO F. YOON.
16 Attorney for Mr. Gutierrez

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

4 UNITED STATES OF AMERICA,

Plaintiff,) U.S.C.D. No. 08cr803-H

6 | v.

7 RAUL GUTIERREZ,

8 || Defendant.

10 I, the undersigned, say:

11 1. That I am over eighteen (18) years of age, a resident of the County of San Diego, State of
12 California, not a party in the within action, and that my business address is 501 W. Broadway, Suite A-387,
San Diego, California, 92101; and

13 2. That I filed the within Defendant's Motion to Continue by electronically filing them through the
CM/ECF service;

3. That I served the within on counsel for Plaintiff by electronic means:

Alessandra Serrano, Assistant United States Attorney

as evidenced by the attached and incorporated by reference ECF.

I certify that the foregoing is true and correct. Executed on August 17, 2008, at San Diego, California.

/s/ Antonio Yoon
Antonio E. Yoon